

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTHONY S. PERRI,

Plaintiff,

v.

WILLIAM BURNS, *et al.*,

Defendant.

CASE NO. C22-5739-JCC

ORDER

This matter comes before the Court upon *sua sponte* review of Plaintiff's complaint (Dkt. No. 5), made pursuant to 28 U.S.C. § 1915(e)(2)(B). Plaintiff, proceeding *pro se*, filed an application to proceed *in forma pauperis* with his complaint. (Dkt. No. 1.) On October 5, 2022, the Honorable Brian A. Tsuchida, U.S. Magistrate Judge, granted Plaintiff's application. (Dkt. No. 4.) Summons has not yet issued.

A complaint filed by any person seeking to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) is subject to *sua sponte* review and dismissal by the Court "at any time" to the extent it is "frivolous, malicious, fail[s] to state a claim upon which relief may be granted, or seek[s] monetary relief from a defendant immune from such relief." 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001). Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of the claim showing that the pleader is entitled to relief." However, to avoid dismissal for failure to state a claim upon which relief may be granted,

1 a complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that  
2 is plausible on its face. *Ashcroft v. Iqbal*, 556 U.S. 662, 664 (2009). Sufficient factual allegations  
3 must “raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S.  
4 544, 555 (2007).

5 The Court holds *pro se* plaintiffs to less stringent pleading standards and liberally  
6 construes a *pro se* complaint in the light most favorable to the plaintiff. *Erickson v. Pardus*, 551  
7 U.S. 89, 94 (2007). When dismissing a complaint under § 1915(e), the Court gives *pro se*  
8 plaintiffs leave to amend unless “it is absolutely clear that the deficiencies of the complaint could  
9 not be cured by amendment.” *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

10 Plaintiff’s complaint is saturated with incurable deficiencies. The facts alleged by the  
11 Plaintiff do not rise above the speculative level and are largely outside the realm of possibility.  
12 Plaintiff claims to have been tortured by “Laser Beam daily” and claims to be a victim of  
13 “[m]ultiple forms of other secret, overt Abuse.” (Dkt. No. 5 at 2.) Plaintiff also claims to seek  
14 redress for a “lifetime of covert service” and to stop various government agencies from using his  
15 “name[, [and] codes, to run their wars.” (*Id.*) Plaintiff also alleges that the “United States  
16 Government has Provided Chemicals, Incendiary devices . . . and Technology to facilitate the  
17 abuse and attacks.” (*Id.* at 3.) These fanciful and unsupported allegations should be dismissed  
18 because they present no point of law that is arguable on the merits. *See Neitzke v. Williams*, 490  
19 U.S. 319, 325 (1989) (“Courts of Appeals have recognized § 1915(d)’s term ‘frivolous,’ when  
20 applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful  
21 factual allegations not supported by any facts.”); *see also Norton v. Amador Cnty. Detention*  
22 *Facility*, 2009 WL 3824755 slip op. at 2 (E.D. Cal. 2009) (listing cases dismissed based upon  
23 fantastical or delusional allegations).

24 Further, none of the Defendants are residents of this federal district and there is nothing  
25 showing the alleged actions occurred within the district. The complaint is thus filed in the wrong  
26 federal district. *See* 28 U.S.C. § 1391(b). When a case is filed in the wrong federal district the

1 Court shall dismiss the case, or if it be in the interest of justice, transfer the case to any district in  
2 which it could have been brought. 28 U.S.C. § 1406(a). As noted above the complaint is  
3 frivolous and thus dismissal, not transfer, is appropriate.

4 As it is clear the complaint could not be cured by amendment, the Court DISMISSES  
5 Plaintiff's complaint with prejudice and without leave to amend.<sup>1</sup>

6 DATED this 6th day of October 2022.

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10 John C. Coughenour  
11 UNITED STATES DISTRICT JUDGE  
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26 <sup>1</sup> Leave to amend need not be provided when doing so would be futile. *Barahona v. Union Pac. R.R. Co.*, 881 F.3d 1122, 1134 (9th Cir. 2018).